

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35621

STATE OF IDAHO,)	2009 Unpublished Opinion No. 734
)	
Plaintiff-Respondent,)	Filed: December 17, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
DAVID ANDREW ORR,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael E. Wetherell, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of two and one-half years, for burglary, affirmed.

Molly J. Huskey, State Appellate Public Defender; Diane M. Walker, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

David Andrew Orr pled guilty to burglary. I.C. § 18-1401. In exchange for his guilty plea additional charges, including an allegation that Orr was a persistent violator, were dismissed. The district court sentenced Orr to a unified term of ten years, with a minimum period of confinement of two and one-half years. Orr filed an I.C.R. 35 motion for reduction of his sentence, which the district court denied. Orr appeals, claiming that the district court imposed an excessive sentence.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-

15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Orr's judgment of conviction and sentence are affirmed.